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EXAMINER

HOOSAIN, ALLAN

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/02/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/037,411

Applicant(s)

COX ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment C, 12/22/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 57-60, 62-66, 68, 69, 72, 73, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-60, 62-66, 68, 69, 72, 73, 75 and 76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 57,59-60,68,72-73,75-76 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Hou et al.** (US 5,325,421).

As to Claims 57,59, with respect to Figures 3-5, **Hou** teaches a method for managing a call from a caller to an information assistance service, the method comprising:

receiving signals associated with the call which contain a telephone number indicating a local calling area, CO 225, associated with a communications device, S1, from which the call originates, an account which is associated with the telephone number being set up with the information assistance service (Figure 7), and which allows receipt of information assistance and one or more types of call to be made (Col. 2, lines 38-40 and Figure 7);

eliciting from the caller an information assistance request (Figure 4, label 410 and Col.

11, lines 14-24);

*telephone and business directory*

searching a database for results responsive to the information assistance request, the

results including a destination telephone number (Col. 11, lines 40-46);

*P14, li 13-14*

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determining that a connection is to be made from the local calling area to a second calling area outside the local calling area, the second calling area being indicated by the destination telephone number (Col. 9, lines 22-35 and Col. 3, line 65 through Col. 4, line 22);

determining whether the caller is authorized to have the connection made through the information assistance service based on the types of call allowed by the account (Col. 11, lines 25-30); and

making the connection when it is determined that the caller is authorized to have the connection made (Col. 4, lines 13-22 and Col. 9, lines 22-40).

*wherein authorization  
is performed using caller ID  
and stored authorization  
data Page 20, 14-22*

As to Claim 60, **Hou** teaches the method of claim 57 wherein the information assistance service is provided by an operator (Col. 9, lines 18-55).

As to Claims 68, 72-73, 75-76, with respect to Figures 3-5, **Hou** teaches a method of providing an information assistance service to a customer, comprising:

receiving signals in setting up a call from the customer through an inbound channel (Col. 2, lines 38-40);

based on the received signals, identifying a calling telephone number associated with a calling station from which the customer calls, the calling telephone number indicating a local calling area, an account which is associated with the calling telephone number being set up with the information assistance service, and which allows receipt of information assistance and one or more types of call to be made (Col. 2, lines 38-40);

eliciting an information assistance request from the customer (Col. 11, lines 14-24);

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in response to the information assistance request, searching a database for a destination telephone number (Col. 11, lines 40-46);

determining that a connection is to be made from the local calling area to a second calling area outside the local calling area, the second calling area being indicated by the destination telephone number (Col. 9, lines 30-34 and Col. 3, lines 24-57, line 65 through Col. 4, line 22) ;

determining whether the customer is authorized to have the connection made, based on the types of call allowed by the account (Col. 3, line 65 through Col. 4, line 4 and Col. 11, lines 25-30);

allocating an outbound channel to establish a connection to the destination telephone number when it is determined that the customer is authorized to have the connection made (Col. 4, line 13-22 and Col. 9, lines 34-36);

dialing the destination telephone number over the outbound channel (Col. 9, lines 34-36);  
and

connecting the inbound channel to the outbound channel (Col. 9, lines 35-38).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 62-66,69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hou** in view of **Slusky** (US 5,267,304).

As to Claims 63,69, **Hou** teaches the method of claim 62 wherein the signals include an originating number automatic numbering identification (ANI) from which the calling telephone number is derived;

**Hou** does not teach the following limitation:

“automatic number identification (ANI)”

**Slusky** teaches the limitation (Col. 2, lines 25-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add ANI capability to **Hou's** invention for identifying calling telephone numbers as taught by **Slusky's** invention in order to provide directory services to callers.

As to Claims 62, with respect to Figures 3-5, **Hou** teaches a method for managing a call from a caller to an information assistance service, the method comprising:

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receiving signals associated with the call which contain a calling telephone number associated with a calling station, S1, from which the call originates, an account which is associated with the calling telephone number being set up with the information assistance service (Figure 7), and which allows receipt of information assistance and one or more types of call to be made (Col. 2, lines 38-40);

eliciting from the caller an information assistance request (Col. 11, lines 14-24);

in response to the information assistance request searching a database for a destination telephone number (Col. 11, lines 40-46);

determining that a connection is to be made from a local calling area to a second calling area outside the local calling area (Col. 9, lines 30-34, Col. 3, lines 24-57 and line 65 through Col. 4, line 22);

determining whether the caller is authorized to have the connection made through the information assistance service based on the types of call allowed by the account (Col. 3, line 65 through Col. 4, line 4 and Col. 11, lines 25-30); and

connecting the calling station to the called station when it is determined that the caller is authorized to have the connection made (Col. 4, lines 13-22 and Col. 9, lines 22-38);

**Hou** does not teach the following limitation:

“based on a comparison of at least a portion of the calling telephone number with at least a portion of the destination telephone number”

**Slusky** teaches the limitation (Figure 2). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add comparing capability to **Hou's** invention for identifying same area codes as taught by **Slusky's** invention in order to provide directory services to callers.

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As to Claims 64-65, **Hou** teaches the method of claim 62 wherein the portion of the calling telephone number indicates local calling area, 225, and the portion of the destination telephone number indicates the second calling area, 250, (Figure 1 and Col. 2, lines 31-35).

As to Claim 66, **Hou** teaches the method of claim 57 wherein the information assistance service is provided by an operator (Col. 9, lines 18-55).

### *Response to Arguments*

6. Applicant's arguments filed in the 12/22/03 Remarks have been fully considered but they are not persuasive because of the following:

(a) The amendments would overcome the prior art of record and they were agreed to by the Examiner.

Examiner respectfully disagrees. This is because Examiner told Applicants' Representatives in the telephone interviews that **Hou** teaches the amendments as shown in the instant Office Action. Examiner also told Applicants' Representatives that he could not find anything in the disclosure to recommend for overcoming the prior art of record.

(b) Examiner respectfully invites Applicants to contact Examiner to further discuss possible amendments for overcoming the prior art of record.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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**Cirelli et al.** (US 5,926,754) teach directory assistance using ANI for calls placed in PSTN and cellular networks.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

**Or:**


(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
1/22/04